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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

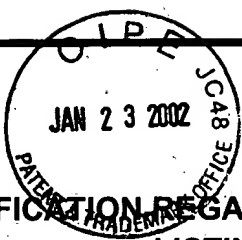
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/858,332
		Filing Date	May 15, 2001
		First Named Inventor	TCHAGA, GRIGORIY S.
		Group Art Unit	1633
		Examiner Name	
Total Number of Pages in This Submission		Attorney Docket Number	CLON-056CIP
<b>ENCLOSURES (check all that apply)</b>			
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group	
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)	
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information	
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter	
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):	
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Notice of Incomplete Reply (non provisional)	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Certification Regarding Sequence Listing Sequence Listing (8 pages)	
<input type="checkbox"/> Certified Copy of Priority Documents	<input checked="" type="checkbox"/> CD, Number of CD(s) 2		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53			
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>			
Firm or Individual Name	PAULA A. BORDEN, Reg. No. 42,344		
Signature			
Date	January 18, 2002		

<b>CERTIFICATE OF MAILING</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: January 18, 2002.			
Typed or printed name	Teri Muir		Date
Signature			January 18, 2002

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#6



# **CERTIFICATION REGARDING SEQUENCE LISTING**

Application Number	09/858,332
Confirmation Number	2176
Filing Date	May 15, 2001
First Named Inventor	Tchaga et al.
Examiner	
Group Art	1633
Attorney Docket No.	CLON-056CIP

ADDRESS TO: Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby certify that the enclosed Sequence Listing is being submitted under 37 CFR 1.824 on two identical computer-readable discs (CD's), labeled copy 1 and copy 2. The CD's submitted under 37 CFR 1.52(e) were formatted on IBM-PC, the operation system compatability is MS-Windows and the file listing is: Sequence Listing.txt 35KB created 01/18/02

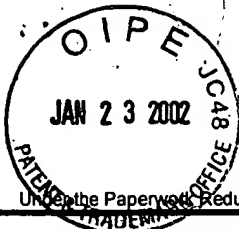
I hereby certify that the enclosed submission includes no new matter.

Name (Print/Type)	Paula A. Borden	Reg. No.	42,344
Signature		Date	1-18-2002
Firm Name	Bozicevic, Field & Francis LLP	Address	200 Middlefield Road, Suite 200
City	Menlo Park	State	California
Telephone - Direct Dial	650-327-7710	Facsimile	650-327-3231

## **CERTIFICATE OF MAILING OR TRANSMISSION**

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Name (Print/Type)	Teri Muir	Signature		Date	1-18-2002
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FEE TRANSMITTAL for FY 2002 <i>Patent fees are subject to annual revision.</i>		C mplete if Kn wn	
TOTAL AMOUNT OF PAYMENT (\$)		Application Number	09/858,332
(\$)		Filing Date	May 15, 2001
		First Named Inventor	TCHAGA, GRIGORIY S.
		Examiner Name	
		Group Art Unit	1633
		Attorney Docket No.	CLON-056CIP
METHOD OF PAYMENT		FEE CALCULATION (continued)	
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit overpayments to: Deposit Account Number 50-0815 Deposit Account Name Bozicevic, Field & Francis LLP <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant Claims small entity status. See 37 CFR 1.27		3. ADDITIONAL FEES	
2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other			
FEE CALCULATION			
2. BASIC FILING FEE			
Large Entity Small Entity			
Fee Code (\$)			
101 740 201 370 Utility filing fee			
106 330 206 165 Design filing fee			
107 510 207 255 Plant filing fee			
108 740 208 370 Reissue filing fee			
114 160 214 80 Provisional filing fee			
SUBTOTAL (1)			
1. EXTRA CLAIM FEES			
Total Claims 24 -20** = x			
Indep. Claims 5-3** = x			
Multiple Dependent			
Large Entity Small Entity			
Fee Code (\$)			
103 18 203 9 Claims in excess of 20			
102 84 202 42 Independent claims in excess of 3			
104 280 204 140 Multiple dependent claim, if not paid			
109 84 209 42 ** Reissue independent claims over original patent			
110 18 210 9 ** Reissue claims in excess of 20 and over original patent			
SUBTOTAL (2) \$			
**or number previously paid, if greater; For Reissues, see above.			
		SUBTOTAL (3) (\$)	
		920.00	
SUBMITTED BY		Complete (if applicable)	
Name (Print/Type) Paula A. Borden		Registration No. 42,344	
Signature		Telephone (650) 327-3400	
		Date 01/18/2002	

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01/25/2002 TL0011 00000013 500815 09858332

01-FC:118 1440.00 CH



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/858,332	05/15/2001	Grigoriy S. Tchaga	CLON-056CIP

CONFIRMATION NO. 2176

## FORMALITIES LETTER



Paula A. Borden  
BOZICEVIC, FIELD & FRANCIS LLP  
Suite 200  
200 Middlefield Road  
Menlo Park, CA 94025

Date Mailed: 11/29/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

## Filing Date Granted

The U.S. Patent and Trademark Office has received your reply on 08/13/2001 to the Notice to File Missing Parts (Notice) mailed 07/23/2001 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

② 12/05/01  
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- SECLIST (3 mos ext)  
due 12/23/2001

LD 02/23/2002

CKH  
PAB

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



## Attachment to Notice of Incomplete Reply

This is in response to Applicant's remarks regarding sequence rule compliance in the instant application. An application that contains generic techniques to determine DNA sequence information such as DNA molecule length or nucleotide composition, without disclosing specific sequences, would not have to comply with the sequence rules. The instant application, however, also discloses specific sequences. The facts that no sequences are claimed and any specific sequence mentioned would be used solely for illustrative purposes and not represent a novel sequence disclosure are immaterial. Any sequence that is disclosed must be submitted in accordance with 37 CFR 1.821-825. That is the meaning of the "exclusively" language.

Sequences were found at page(s) 13, and/or Figure 2A-3.  
15, 36